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10/682,663	10/09/2003	Ian James Clubb	1160215/0509834	9129

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FROST BROWN TODD LLC  
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EXAMINER
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HAMMOND III, THOMAS M

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/682,663	Applicant(s) CLUBB ET AL.	
	Examiner Thomas M. Hammond III	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) 1, 17, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/28/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the application filed on 10/09/2003.
2. Claims 1-22 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed 08/28/2007 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Claim Objections***

4. Claims 1, 17, 20 and 22 are objected to for minor informalities.

5. As per claims 1, 17, 20 and 22, the applicant recites the limitation "...a identifier...". Please amend the claim to read *an identifier* in order to be grammatically correct.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.*

7. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. As per claims 1-22, the applicant does not positively put forth the limitations with the use of such terms as, "may be..." and "if...". These limitations raise the possibility of the limitations not being performed in the context of the system. Therefore, it is unclear which limitations, in what combination, are intended to be protected with patent rights. For the purposes of examination, all of the limitations will be interpreted as being positively set forth.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

10. A person shall be entitled to a patent unless –

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

11. Claims 1-7, 9-12, 15-16, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by *Flitcroft et al.*, US Patent No. 6,636,833 B1.

#### **As per claim 1**

##### ***Flitcroft teaches:***

- A master wallet (see at least column 11, lines 1-14)
- At least two shadow wallets (see at least column 11, lines 1-14)
- Said system may be programmed to process a request wherein said request includes a identifier (see at least column 11, lines 20-36)
- Said master wallet may be associated with a group of identifiers (master group) (see at least column 11, lines 15-19)
- Said master wallet may be programmed to comprise a resource (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said master wallet may be programmed to allocate a subset of said resource (loan) to each of said at least two shadow wallets (see at least column 4, lines 59-67; column 5, lines 1-49)

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- Said system may be programmed to process said request against the loan residing on one of said shadow wallets (see at least column 11, lines 20-36)

**As per claims 2-7**

***Flitcroft teaches the system of claim 1, as described above.***

***Flitcroft further teaches:***

- Each of said shadow wallets may be associated with a subset of said master group (shadow wallet subset) (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said system may be programmed to determine which shadow wallet is associated with said shadow wallet subset which includes said request's identifier (selected shadow wallet (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said system may be programmed to notify said master wallet as said loan on said shadow wallet is consumed (see at least column 5, lines 5-20)
- Said system may be programmed to create at least one additional shadow wallet (see at least column 14, lines 30-58)
- Said system may be programmed to reallocate subsets of said resource from said master wallet across said shadow wallets including said at least one additional shadow wallet (see at least column 16, lines 6-34)
- Said system may be programmed to reallocate said loans across said shadow wallets (see at least column 16, lines 6-34)
- Wherein any of said shadow wallets may request (requesting shadow wallet) an additional loan from said master wallet (see at least column 16, lines 6-34; column 23, lines 15-46)
- If said master wallet comprises any unclaimed resource, then the system may be programmed to cause the master wallet to grant said additional loan to said requesting shadow wallet (see at least column 16, lines 6-34; column 23, lines 15-46)
- Wherein said system may be programmed to set a flag on said shadow wallets if no further resource is available on said master wallet (see at least column 16, lines 5-14)

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**As per claims 9-12**

***Flitcroft teaches the system of claim 1, as described above.***

***Flitcroft further teaches:***

- Wherein said resource in said master wallet includes a validity period which may be passed to said shadow wallets along with said loans (see at least column 6, lines 32-64)
- Said system may be programmed to disregard any amounts, contained in an loan, that are outside of said validity period (see at least column 23, lines 15-46)
- Wherein said system may be programmed to reclaim said loan from said shadow wallet and mark any unused portion thereof as available in said master wallet (see at least column 11, lines 50-62; column 23, lines 15-46)
- If any of said shadow wallets fail (failed shadow wallet), said system may be programmed to notify said master wallet (see at least column 5, lines 5-20)
- Said system may be programmed to update said resource on said master wallet with any unused loan from said failed shadow wallet (see at least column 24, lines 32-37)
- Wherein said system may be programmed to grant an additional loan from said master wallet to any of said shadow wallets when said shadow wallet's loan falls below a predetermined minimum where such minimum may be an absolute value, or based on a derived value such as a percentage, or a usage rate (see at least column 23, lines 14-46)

**As per claim 15**

***Flitcroft teaches the system of claim 1, as described above.***

***Flitcroft further teaches:***

- If any of said shadow wallets fail (failed shadow wallet), said system may be programmed to create a replacement shadow wallet (see at least column 17, lines 16-29)
- Said system may be programmed to allocate to said replacement shadow wallet a subset of said loan (loan subset) allocated to said failed shadow wallet (see at least column 17, lines 16-29)

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**As per claim 16**

***Flitcroft teaches the system of claim 15, as described above.***

***Flitcroft further teaches:***

- Said system may be programmed to allocate said loan subset if an unused portion of said failed shadow wallet's loan is unknown at failure (see at least column 17, lines 16-29)

**As per claim 20**

***Flitcroft teaches:***

- Said system may be programmed to process a request wherein said request includes a identifier (see at least column 11, lines 20-36)
- Said master wallet may be associated with a group of identifiers (master group) (see at least column 11, lines 15-19)
- Said master wallet may comprise a resource corresponding to a product which further corresponds to one or more identifiers (see at least column 4, lines 59-67; column 5, lines 1-49)
- Upon receiving a request, said master wallet may create a shadow wallet corresponding to at least said identifier associated with said request (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said master wallet may be programmed to allocate a subset of said resource (loan) to said shadow wallet (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said request may be processed against said loan in said shadow wallet (see at least column 11, lines 20-36)

**As per claim 22**

***Flitcroft teaches:***

- A master wallet (see at least column 11, lines 1-14)
- At least one shadow wallet (see at least column 11, lines 1-14)

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- Said system may be programmed to process a request wherein said request includes a identifier (see at least column 11, lines 20-36)
- Said master wallet may be associated with a group of identifiers (master group) (see at least column 11, lines 15-19)
- Said master wallet may be programmed to comprise a resource (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said master wallet may be programmed to allocate a subset of said resource (loan) to said at least one shadow wallet (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said system may be programmed to process said request against the loan residing on said at least one shadow wallet (see at least column 11, lines 20-36)

## ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

13. Claims 8, 13-14, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Flitcroft*, in view of, *Cataline et al.*, US Patent Publication No. US 2002/0116331 A1.

### **As per claim 8**

***Flitcroft teaches the system of claim 1, as described above.***

***Flitcroft does not teach:***

- Wherein any of said shadow wallets may request (requesting shadow wallet) an additional loan from a second shadow wallet
- If said second shadow wallet comprises any unused loan, then the system may be programmed to cause the second shadow wallet to transfer said unused loan to said requesting shadow wallet

***Cataline teaches:***

- Wherein any of said shadow wallets may request (requesting shadow wallet) an additional loan from a second shadow wallet (see at least page 2, paragraph 21)
- If said second shadow wallet comprises any unused loan, then the system may be programmed to cause the second shadow wallet to transfer said unused loan to said requesting shadow wallet (see at least page 2, paragraph 21)

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*However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Flitcroft, to include the teachings of Cataline. One would have been motivated to combine these references provide in order to provide a more secure transaction system (see at least Flitcroft page 37, paragraph 1).*

**As per claim 13**

***Flitcroft teaches the system of claim 12, as described above.***

***Flitcroft does not teach:***

- Wherein said system may be programmed to grant said additional loan only if said resource existing (existing resource) in said master wallet is greater than or equal to said additional loan

***Cataline teaches:***

- Wherein said system may be programmed to grant said additional loan only if said resource existing (existing resource) in said master wallet is greater than or equal to said additional loan (see at least page 2, paragraph 21)

*However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Flitcroft, to include the teachings of Cataline. One would have been motivated to combine these references provide in order to provide a flexible payment system that allows for payment to be made from multiple sources without having to perform multiple authentications, leading to a more secure system (see at least Cataline page 2, paragraph 22).*

**As per claim 14**

***Flitcroft teaches the system of claim 13, as described above.***

***Flitcroft does not teach:***

- If said existing resource is less than said additional loan, said system may be programmed to obtain said additional loan from any of said at least one other shadow wallet

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**Cataline teaches:**

- If said existing resource is less than said additional loan, said system may be programmed to obtain said additional loan from any of said at least one other shadow wallet (see at least page 2, paragraph 21)

*However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Flitcroft, to include the teachings of Cataline. One would have been motivated to combine these references provide in order to provide a flexible payment system that allows for payment to be made from multiple sources without having to perform multiple authentications, leading to a more secure system (see at least Cataline page 2, paragraph 22).*

**As per claim 17****Flitcroft teaches:**

- A master wallet (see at least column 11, lines 1-14)
- At least one shadow wallet (see at least column 11, lines 1-14)
- Said system may be programmed to process a request wherein said request includes a identifier (see at least column 11, lines 20-36)
- Said master wallet may be associated with a group of identifiers (master group) (see at least column 11, lines 15-19)
- Said at least one shadow wallet may be associated with a subset of said master group (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said master wallet may be programmed to comprise a resource (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said master wallet may be programmed to allocate a subset of said resource (loan) to said at least one shadow wallet (see at least column 4, lines 59-67; column 5, lines 1-49)

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- Said system may be programmed to determine which shadow wallet may be associated with a group of identifiers which include said identifier associated with said request (selected shadow wallet) (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said system may be programmed to process said request against said selected shadow wallet's loan (see at least column 23, lines 12-46)
- Said master wallet may be updated as said loan may be consumed on said shadow wallet with a remaining loan amount (see at least column 9, lines 64-67; column 10, lines 1-18)
- If said shadow wallet fails (failed shadow wallet), said master wallet creates a new shadow wallet (see at least column 11, lines 50-62)

***Flitcroft does not teach:***

- Allocating said remaining loan amount to said new shadow wallet
- Said system may be reprogrammed to send any requests associated with said failed shadow wallet to said new shadow wallet

***Cataline teaches:***

- Allocating said remaining loan amount to said new shadow wallet (see at least page 2, paragraph 21)
- Said system may be reprogrammed to send any requests associated with said failed shadow wallet to said new shadow wallet (see at least page 2, paragraph 21)

*However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Flitcroft, to include the teachings of Cataline. One would have been motivated to combine these references provide in order to provide a flexible payment system that allows for payment to be made from multiple sources without having to perform multiple authentications, leading to a more secure system (see at least Cataline page 2, paragraph 22).*

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**As per claim 18**

***Flitcroft, in view of Cataline, teaches the system of claim 17, as described above.***

***Flitcroft further teaches:***

- Wherein said system may be programmed send a message to said shadow wallet if said shadow wallet has exclusive access to said master wallet (see at least column 5, lines 26-49)

**As per claim 19**

***Flitcroft, in view of Cataline, teaches the system of claim 17, as described above***

***Flitcroft does not teach:***

- If said shadow wallet fails, said master wallet may grant a transient, overdraft loan to said new shadow wallet where a loan state of the failed shadow wallet is unknown

***Cataline teaches:***

- If said shadow wallet fails, said master wallet may grant a transient, overdraft loan to said new shadow wallet where a loan state of the failed shadow wallet is unknown (see at least page 2, paragraph 21)

*However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Flitcroft, to include the teachings of Cataline. One would have been motivated to combine these references provide in order to provide a flexible payment system that allows for payment to be made from multiple sources without having to perform multiple authentications, leading to a more secure system (see at least Cataline page 2, paragraph 22).*

**As per claim 21**

***Flitcroft teaches:***

- A master wallet (see at least column 11, lines 1-14)
- At least two shadow wallets (see at least column 11, lines 1-14)

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- Said master wallet may be programmed to comprise a resource (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said master wallet may be programmed to allocate a subset of said resource (loan) to each of at least two shadow wallets (see at least column 4, lines 59-67; column 5, lines 1-49)
- Said system may be programmed to process said request against the loan residing on said first shadow wallet (see at least column 23, lines 12-46)

***Flitcroft does not teach:***

- If said first shadow wallet fails, said system may be programmed to reroute said request to said second shadow wallet

***Cataline teaches:***

- If said first shadow wallet fails, said system may be programmed to reroute said request to said second shadow wallet (see at least page 2, paragraph 21)

*However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Flitcroft, to include the teachings of Cataline. One would have been motivated to combine these references provide in order to provide a flexible payment system that allows for payment to be made from multiple sources without having to perform multiple authentications, leading to a more secure system (see at least Cataline page 2, paragraph 22).*

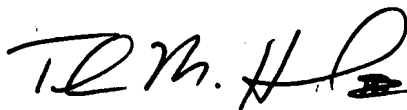
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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas M Hammond III

Patent Examiner

Art Unit 3691

09-11-2007



**HANI M. KAZIMI  
PRIMARY EXAMINER**